

#7
8-29-02
P.2.**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****APPLICANT: Krasnykh & Curiel****§ ART UNIT:****FILED: July 10, 2000****§ 1632****SERIAL NO.: 09/612,852****§ EXAMINER:****FOR: Modified Adenovirus Containing
A Fiber Replacement Protein****§ Sorebello, E.****§ DOCKET:
§ D6070CIP****The Assistant Commissioner of Patents
BOX AF
Washington, DC 20231****TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PATENT UNDER 37 CFR §1.321**

The owner, The UAB Research Foundation of 100 percent interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC §154-156 and 173 of U.S. Patent 6,210,946. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent 6,210,946 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154-156 and 173 of U.S. Patent 6,210,946, as shortened by any terminal disclaimer filed prior to the present grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 or Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or patent issued thereon.

The Commissioner is hereby authorized to deduct the \$55 fee required under 37 CFR §1.20(d) and any additional fees which may be required from Deposit Account No. 07-1185.

Respectfully submitted,

Date: Aug 23, 2002



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